

Bill Name and Number:

S.B. 1095 (Raised) An Act Limiting the Use of Restraints on a Child Who is Subject to a Delinquency Proceeding.

Testifier:

Kaitlyn Blicharz

Good Afternoon. My name is Kaitlyn Blicharz and I am currently a student at the UCONN School of Social Work. Thank you, members of the Judiciary Committee, for allowing me the opportunity to testify today in support of the passage of Raised Senate Bill Number 1095, an Act Limiting the Use of Restraints on a Child Who is Subject to a Delinquency Proceeding. As a social work practitioner in training, it alarms me that the practice of using mechanical restraints on minors in the judicial proceeding is still happening in the state of Connecticut. Using mechanical restraints, such as shackles, on youth can not only produce psychological harm on the child, but it is also a practice that threatens the dignity of juveniles in the system. Passage of this bill would protect children in the court system who are at a very vulnerable point in their lives.

As I think about the benefits of this legislation, I can reflect on many stories that were told to me by parents whose children had experienced the use of restraints in school settings and group home settings. Some of these parents had children with post traumatic stress disorder, and some parents had foster children with an abusive history. These parents each have an Individualized Education Plan that allows children with these emotional and traumatic pasts, to use techniques other than using restraints to prevent harm to themselves and other children and staff. Every parent of a child that I've spoken to about this topic at my field placement, at the UConn Center for Disabilities, is terrified about the idea of having any use of restraints used on children who have such mental and emotional conditions as PTSD, and abusive childhood histories. They truly understand the negative implications of using these practices, and the regressive nature it can have on the child, both psychologically and developmentally.

After doing a literature review to find more information on mechanical restraints used in juvenile court proceedings, I found a lack of studies in this area, and thus needed to rely on my knowledge of the negative affects of restraints on children with behavioral and psychiatric disabilities. Although this is a different context, I can see many parallels on use of restraints among children with disabilities and the use of shackling that is used in juvenile court appearances. First, youth who are in the juvenile justice system have a significantly higher rate of psychiatric disabilities, that include such traumatic experiences as having a history of sexual and physical abuse. In 2006, the National Center for Mental Health and Juvenile Justice also found that 70% of youth offenders in the juvenile justice system have a mental illness, compared to 20% of the non-delinquent adolescent population. In addition, the study also found that 27% of youth offenders have severe psychiatric disorders. By using mechanical restraints during a very stressful time such as a court proceeding, you are significantly increasing the likelihood of re-traumatizing the youth and putting them at further vulnerability of exacerbating conditions such as PTSD, anxiety and depression. Not only is the likelihood of exacerbating mental illness symptoms at risk, mechanical restraints have

been shown to cause more aggressive behavior on youth instead of decreasing aggressive behavior. As responsible citizens, it is important to remember that eventually these children will reintegrate into society, and that we will all benefit if children return to our communities without scars and fully rehabilitated. If the juvenile justice system is truly built on the values of rehabilitation and providing treatment, shackles would not be used on children in court; and minors would not be punished and treated like adult criminals. Policies in the juvenile justice system need to be fair, and promote ideals of justice and equity. Using these mechanical restraints on children shows that they are not valued and not respected in our society.

In addition to the psychological harm that has been proved by experts and professionals who have studied the effects that mechanical restraints have on children, the act itself is completely dehumanizing. A colleague of mine once stated that there animals used in a science lab are often treated better, than children who are subjected to the inhuman and degrading treatment as using restraints, in any setting. Now is the opportunity to put this shameful practice in Connecticut's history books. As former New York Supreme Court Judge Michael Corriero has noted, "Focusing on the best interests of the child . . . does not mean circumventing the best interests of society. The two interests are, for the most part, coextensive. What's good for the child in a democratic society is good for society as a whole."

Conclusion:

A macro systems level approach in a human rights framework would be to listen to child welfare advocates and scholars who see the affect of this problem on juveniles, and on behalf of these individuals, explore the alternative to using mechanical restraints. The juvenile justice systems' foundation is rehabilitating youth in order to prevent violent and criminal behavior in the future. By passing this legislation, policymakers can only be enforcing the objectives that already prevail in the juvenile justice system.

References:

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